

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Suits-Arbitration-Sanction of an amount of Rs. 3,03,639/- as full and final settlement of Arbitration Award dated. 19.05.1990 in O.P No. 309/1990, on the file of the Court of the Vth Additional Judge, City Civil Court, Hyderabad in respect of the work relating to "Construction of B.T.U.T at KM 28-868 of Saraswathi Canal under Sriramsagar project" entrusted to Sri P. Ramchandra Rao, Contractor vide L.S. Agreement No. 66/GVC-I/1981-82, dated 24.02.1982 - Orders - Issued.

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IRRIGATION & CAD (ARBITRATION) DEPARTMENT

G.O. Rt. No.313

Dated.17.03.2012  
Read the following

- 1) From Sri P. Ramchandra Rao Contractor, Eluru, representation dated. 10.09.2009.
- 2) From The Admn.-cum-Chief Engineer, SRSP, Hyd Lr.No.ACE/SRSP/ Hyd/DEE-2/AE-3/15592/88/2010-4, dated:19.8.2010.
- 3) From the ENC,(IW)I&CAD Deptt. Hyd, Lr. No.ENC/IW/P&M/ EE.I/ DEE.8/ 300108/08, Dated. 15.04.2011.

ORDER,

The Administrator-cum-Chief Engineer, Sri Ram Sagar Project, Hyderabad in his letter 2<sup>nd</sup> read above, has reported that the work relating to "Construction of B.T.U.T at KM 28-868 of Saraswathi Canal under Sriramsagar project" was entrusted to Sri P. Ramchandra Rao contractor vide L.S. Agreement No. 66/GVC-I/1981-82, dated 24.02.1982. Certain disputes arose between the parties and the matter was referred to sole Arbitrator. The sole Arbitrator in his award dated.19.05.1990 held that the claimant is entitled for an amount of Rs. 3,89,676 with 18% interest from the date of award. The Contractor has filed OP.No.309/90 on the file of the Court of the Vth Addl. Judge, City Civil Court, Hyderabad to make the Award rule of the Court. The Department have also filed O.S.No.346/90 before the Vth Additional Judge City Civil Court, Hyderabad to set aside the Award passed by the Sole Arbitrator.

2. The Vth Additional Judge, City Civil Court, Hyderabad in his the judgment in O.P.No.309/90, dated. 18.08.1995 made the award rule of Court and the O.S.No.346/90 filed by the department was dismissed. The Department have filed CMA Nos. 839/1999 and No.916/1999 before Hon'ble High Court of Andhra Pradesh, Hyderabad against OP No. 309/1990 and 346/1990 respectively with a prayer to stay the operation of the above judgment/decreed of the Vth Addl. Judge, City Civil Court, Hyderabad. The Hon'ble High Court of Andhra Pradesh, Hyderabad in its order dt. 21.06.1999

P.T.O

in CMP No.7989/1999 in CMA No.916/99, has granted interim stay with a condition to deposit half of the decretal amount within (10) weeks. In pursuance of these interim conditional stay, the Government have sanctioned an amount of Rs.3,88,816/- vide G.O.Ms.No.152, dt.13.12.1999 and Rs.1,25,851/- vide G.O.Ms.No.151, dt.24.12.2002 totaling to an amount of Rs.5,14,667/- towards depositing half of the decretal amount to the credit of OP No. 309/1990 on the file of the court of the Vth Addl. Judge, City Civil Court, Hyderabad and the same was deposited in the above said court.

3. Meanwhile, the Contractor has filed E.P.No.10/2000 for payment of Rs.10,29,334/- in O.P.No.309/1990, on the file of the court of the Vth Additional. Judge, City Civil Court, Hyderabad. The CMA No 839 and 916 of 1999 came up for hearing before the Hon'ble High Court of Andhra Pradesh, Hyderabad, and the Hon'ble High court in its common Judgment dt.22.06.2009 has directed the Respondents - claimants to approach the Prl. Secretary of the Dept concerned by filing appropriate comprehensive representation on behalf of the claimants. On filing of which, the said authority shall here both the sides, after giving notice and opportunity, and make an effort to conciliate and settle the claim. The respondents - claimants shall file the said representation within a period of (3) weeks from today i.e.22.06.2009 and the principal Secretary of the said authority shall conciliate the meeting and try to settle the matter within a period of three months thereafter. The parties are at liberty to approach this Court either by way of filing final settlement, which would be arrived at between the parties or the failure report, on the basis of which necessary orders will be passed in terms of settlement or dispose of the matter on merits, if it warrants.

4. In pursuance of the above directions of Hon'ble High Court of Andhra Pradesh, Hyderabad the matter has been discussed in the concerned conciliation committee with the above contractor. During the final conciliation with Sri P. Ramchandra Rao contractor, he has agreed for an amount of Rs. 3,03,639/- as full and final settlement of all his claims inclusive of Principle and interest in all as lumpsum. The contractor has submitted a declaration on a affidavit stating that he shall withdraw all legal proceedings in respect of the above subject work against the Government of Andhra Pradesh or its representative officer, if the above amount is paid in token settlement of the Arbitration claims pending in the Court.

5. The Government after careful examination of the above proposal, hereby accord sanction for an amount of Rs. 3,03,639/-(Rupees Three lakhs Three thousand and Six hundred thirty nine only) as full and final settlement of the Arbitration award dt. 19.05.1990 in O.P No. 309/1990, on the file of the court of the Vth Addl. Judge, City Civil Court, Hyderabad in respect of the work relating to "Construction of B.T.U.T at KM 28-868 of Saraswathi Canal under Sriramsagar project" which was entrusted to Sri P. Ramchandra Rao, contractor vide L. S. Agreement No. 66/GVC-I/1981-82, dated 24.02.1982

subject to condition, that the above contractor shall withdraw all legal proceedings in respect of the above subject work against the Government. of Andhra Pradesh., or its representative officer after realization of the above sanctioned amount.

6. The expenditure sanctioned in para ( 5 ) above shall be debitable to the detailed Head of Account under “ MH-4700-COL on Major & Medium irrigation ; MH-01-Major Irrigation (commercial); 101-Sriram Sagar project; GH-11-Normal State Plan; SH-27-Canals and Distributaries; 530-Major works; 531-Other expenditure”.

7. The Engineer - in-Chief,(IW) I & CAD Department, Hyderabad/ the Administrator-cum-Chief Engineer, SRSP, Hyderabad shall deposit the above sanctioned decretal amount to the credit of O.P No. 309/1990 on the file of the court of the Vth Addl. Judge City Civil Court, Hyderabad.

8 The Administrator-cum-Chief Engineer, SRSP Hyderabad / the Superintending Engineer GVC No1 SRSP, Nizamabad are directed to obtain a declaration on Non Judicial stamp paper from the above contractor accepting the above sanctioned amount as full and final settlement inclusive of principle and interest in all as lumpsum before making the payment.

9. This order issues with the concurrence of Finance (W&P) Department vide their U.O No. 353/F4(2)/12-1 dated. 3.02.2012.

( BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**DR. PRASANTA MAHAPATRA**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Engineer-in-Chief,(IW) I & CAD Dept., Hyderabad.  
The Administrator-cum-Chief Engineer, SRSP, Hyderabad  
The Superintending Engineer GVC No1 SRSP, Nizamabad  
Sri P. Ramchandra Rao C/o C. Vijaya Kumar  
Plot No. 267 BHEL HIG Colony  
Phase-1, Ramchandrapuram, Hyderabad, pin 502032  
The Accountant General, A.P. Hyderabad.  
The Director of Works & Accounts, A.P Hyderabad.  
The District Treasury Officer, Nizamabad / Adilabad  
The Pay and Accounts Officer, Nizamabad / Nirmal

Copy to

The P.S. to Minister (M & MI)  
The P.S to Prl.Secy. to Govt., I&CAD Department.  
The Finance (W&P) Department.  
The Law (B)Department  
The I & CAD (P&B) Department.  
S.F/ S.C

// Forwarded: By Order //

Section Officer